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Division

## 03 Sexual assault and related offences

### Australian and New Zealand Standard Offence Classification (ANZSOC)

Reference period: 2011

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#### Division 03 - Sexual assault and related offences

Acts, or intent of acts, of a sexual nature against another person, which are non-consensual or where consent is proscribed.

This division is further disaggregated into subdivisions on the basis of whether or not the sexual act involved physical contact with the person.

Offences in this division are classified into the following subdivisions:

031 Sexual assault

032 Non-assaultive sexual offences

#### Inclusions:

Deception to procure sex

Assault with the intent to commit a sexual act

#### Exclusions:

Regulated activities governing public order sexual standards (e.g. prostitution, censorship) as these offences do not involve an unwilling victim and therefore do not amount to an assault. These are coded to the relevant groups within Subdivision 132, Regulated public order offences.

Sexual acts that do not require a specific victim (e.g. indecent exposure, lewdness). These are coded to Group 1325, Offences against public order sexual standards.

Sexual acts not committed against a person (e.g. bestiality, necrophilia). These are coded to Group 1325, Offences against public order sexual standards.

Abduction, taking, detention or enticement for sexual purposes (where known). These are coded to the relevant groups within Division 05, Abduction, harassment and other offences against the person.

Subdivision

## 031 Sexual assault

### Subdivision 031 Sexual assault

Physical contact, or intent of contact, of a sexual nature directed toward another person where that person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship).

This subdivision is further disaggregated on the basis of whether or not the sexual assault involved aggravating circumstances. Where the existence of aggravating circumstances cannot be determined then 031 applies.

Offences in this subdivision are classified into the following groups:

0311 Aggravated sexual assault

0312 Non-aggravated sexual assault

#### Inclusions:

Assault with intent to commit a sexual act

#### Exclusions:

Sexual assault involving sexual servitude. These are coded to Group 0323, Sexual servitude offences.

Abduction, taking, detention or enticement for sexual purposes (where known). These are coded to the relevant groups within Division 05, Abduction, harassment and other offences against the person.

### 0311 Aggravated sexual assault

Sexual assault, as defined in Subdivision 031, Sexual assault, that involves any of the following aggravating circumstances:

- sexual intercourse (i.e. oral sex and/or penetration of the vagina or anus by any part of the human body or by any object);
- inflict injury or violence;
- possession/use of a weapon;
- consent proscribed/committed against a child; or
- committed in company (i.e. by two or more persons).

#### Inclusions:

Incest

Rape

Intent/attempt to commit rape

Administer drugs with intent to rape

Unlawful sexual intercourse

Unlawful fellatio/cunnilingus

Carnal knowledge

Assault with the intent to commit a sexual act

#### Exclusions:

Abduction, taking, detention or enticement for sexual purposes (where known). These are coded to the relevant groups within Division 05, Abduction, harassment and other offences against the person.

### 0312 Non-aggravated sexual assault

Sexual assault not involving any of the aggravating circumstances as defined in Group 0311, Aggravated sexual assault.

#### Inclusions:

Indecent assault that does not involve any aggravating circumstances

Threat of sexual assault

Subdivision

## 032 Non-assaultive sexual offences

### Subdivision 032 Non-assaultive sexual offences

Offences of a sexual nature, or intent thereof, against another person that do not involve physical contact with the person and where the person does not give consent, gives consent as a result of intimidation or deception, or consent is proscribed (i.e. the person is legally deemed incapable of giving consent because of youth, temporary/permanent (mental) incapacity or there is a familial relationship).

This subdivision is further disaggregated on the basis of the age of the victim, and the type of non-assaultive sexual offence.

Offences in this subdivision are classified into the following groups:

0321 Non-assaultive sexual offences against a child

0322 Child abuse material offences (previously labelled "Child pornography offences")

0323 Sexual servitude offences

0329 Non-assaultive sexual offences, nec

### 0321 Non-assaultive sexual offences against a child

Offences of a sexual nature, or intent thereof, against a person under the age of 16 years that involve the presence of that person but not physical contact with that person.

#### Inclusions:

Procure a child for prostitution/child abuse material offences

'Grooming' offences, including those offences where a carriage service is used to groom (e.g. cultivate an inappropriate online relationship with a child or children)

Force a minor to witness an act of sexual intercourse

**Exclusions:**

Produce (not involving the presence of the child depicted), possess, distribute or display child abuse material. These are coded to Group 0322, Child abuse material offences.

Offences involving physical contact. These are coded to Group 0311, Aggravated sexual assault.

Sexual servitude offences. These are coded to Group 0323, Sexual servitude offences.

**0322 Child abuse material offences (previously labelled "Child pornography offences")**

The production, possession, distribution or display of pornographic or abusive material of a child under the age of consent in written, photographic, film, video, digital or other format.

**Exclusions:**

The direct assault of a child. These are coded to Group 0211, Serious assault resulting in injury; or Group 0212, Serious assault not resulting in injury.

The direct sexual assault of a child. These are coded to Group 0311, Aggravated sexual assault.

Procure a child for prostitution/child abuse material offences. These are coded to Group 0321, Non-assaultive sexual offences against a child.

Produce, possess, distribute or display controlled or other pornographic material (excluding child abuse materials). These are coded to Group 1323, Censorship offences.

**0323 Sexual servitude offences**

A person who provides sexual services and who, because of the use of force or a threat, is not free to:

- stop providing sexual services;
- decline to provide sexual services; or
- leave the place or area where the person provides sexual services.

**Inclusions:**

Debt bondage

Operate a sexual servitude business

People trafficking involving sexual servitude

Coercive behaviour such as threat of deportation if a person refuses sexual services

**Exclusions:**

Prostitution offences. These are coded to Group 1324, Prostitution offences.

Sexual assault not involving sexual servitude. These are coded to Group 0311, Aggravated sexual assault; or Group 0312, Non-aggravated sexual assault.

People trafficking not involving sexual servitude. These are coded to Group 1543, Immigration offences.

Unlawful confinement of a person against that person's will, or against the will of any parent, guardian or other person having lawful custody or care of that person, and not involving the taking away of the person. These are coded to Group 0521, Deprivation of liberty/false imprisonment.

**0329 Non-assaultive sexual offences, nec**

Sexual offences against the person not elsewhere classified in Subdivision 032, Non-assaultive sexual offences.

**Inclusions:**

Voyeurism

Peeping-tom

Gross indecency

Wilful exposure